

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIABQ-3219

(Inmate Number)

ORIGINALMR. JOHN RICHARD DAE,

(Name of Plaintiff)

SCT - Camp HillP.O. Box 200

(Address of Plaintiff)

Camp Hill, PA 17001-0200

vs.

DR. ROBERT CLARK,
Chief Psychiatrist

(Names of Defendants)

(Case Number)

1 : CV 00-1090
CIVIL RIGHTS
COMPLAINT
WITH A JURY DEMANDFILED
HARRISBURG, PA

JUN 5 2000

MARY E. D'ANDREA CLERK
Per [Signature]TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS
 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned: Joe v. Lehman, No. 92-1969 (W.D.Pa.), Joe v. Rowley, No. 92-218 (W.D.Pa.), Joe v. Rumsey, No. 93-1152 (W.D.Pa.), Joe v. Lehman, No. 94-151 (W.D.Pa.), Joe v. Good, No. 94-125 (W.D.Pa.), Joe v. Grease, No. 94-1103 (W.D.Pa.), Joe v. Grease, CA No. 94-3555 (3d Cir.), Joe v. Collins, CA No. 95-3579 (3d Cir.) and Joe v. White, No. 95-2019 (W.D.Pa.)

All Western Dist. Federal Court Civil Actions above, were assigned to Judge Larson

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?
 Yes No

B. Have you filed a grievance concerning the facts relating to this complaint?
 Yes No

If your answer is no, explain why not _____

N/A

C. Is the grievance process completed? Yes No Completed an official inmate grievance form & sent it to MR. Livingston, Grievance Coordinator here, who received it & assisted

AS PER POLICY (DO-ADM) #80

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant DR. Robert Clark is employed
as the Chief Psychiatrist at State Correctional Institution at Camp Hill, PA 17011-8833

B. Additional defendants _____

N/A

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On April 24, 2000, per the orders of Defendant Dr. Robert Clark, Chief Psychiatrist, Plaintiff was placed in steel hand cuffs, black box and a steel waist chain with a pad lock in cell in the RHU at SCI - Camp Hill.
2. Defendant Dr. Robert Clark, Chief Psychiatrist, did the above on April 24, 2000, without first personally examining, seeing and talking to this Plaintiff to determine that it was absolutely necessary to do the above to the Plaintiff here.
3. That, Defendant Dr. Robert Clark, Chief Psychiatrist, left Plaintiff in such steel hand cuffs, black box and steel waist chain with a pad lock and did not see, examine nor talk to Plaintiff for forty (40) days from April 24, 2000.
4. On April 27, 2000, Defendant DR-Robert Clark, CHIEF PSYCHIATRIST, ordered the Steel Hand cuffs, Black Box, Steel waist chain Pad lock removed from Plaintiff's care.

Based upon his information on & before Plaintiff states that on Wednesday, April 26, 2000, Defendant Dr. Clark, Chief Psychiatrist, came down here to the RHU to talk to Plaintiff. He ~~had~~ removed the steel handcuffs, black box, steel waist chain and pad lock from him, but upon arriving in the RHU he was informed that this plaintiff had been given an Institutional misconduct report on that same morning for threatening an officer here and he ordered everything above to remain left on this plaintiff here and he left without him ever actually seeing, examining and/or talking to this plaintiff here then.

6. That, the initial and continued placement of this plaintiff in steel handcuffs, a black box, a steel waist chain and a padlock here from April 24, 2000, April 27, 2000, was done for punitive purposes to punish this plaintiff for his behavior and such was not the least restrictive measure which could have been used here amount to in humane treatment.

7. That, from a couple hours prior to him being initially placed in such steel handcuffs, black box, steel waist chain, a padlock here on April 24, 2000, until April 27, 2000, when such was all removed from him, this plaintiff did not state any desire nor wish to harm or kill himself.

8. That, as a direct result of him being placed & kept in steel handcuffs, a black box, a steel waist chain and a padlock by Defendant Dr. Clark, ~~breakfast~~ on April 25, 2000, thru lunch on ~~Wednesday~~ April 27, 2000, Plaintiff was unable to eat normally & had to stick his mouth down his food and drink and eat/drink it like a dog which notably

a. What, as a direct result of him being placed & left in steel hand cuffs, a black box, a steel waistband and a padlock by Defendant Dr. Blank, from April 24, 2000 – April 26, 2000, Plaintiff P.P. The was unable to sleep.

10. That, as a direct result of him being placed & left
steel handcuffs, a black box, a steel waist chain and a
padlock by Defendant Dr. Clark, from April 24, 2000,
April 27, 2000, Plaintiff Joe had extreme difficulty urinating
and did not move his bowels at all because he could
not wipe himself and most times wound up peeing on
himself when he did urinate, which was not only humili-
ating but extremely uncomfortable as he had to remain in his
pissy under shorts.

II. That, as a direct result of him being placed in steel handcuffs, a black box, a steel waist chain padlock, by Defendant Dr. Clark, from April 24, 2000, Plaintiff Joe suffered extreme, unnecessary, and physical pain, anguish and torture to his hands, arms & shoulders and permanent injury by way of scans his wrists from the steel handcuffs and he will be scanned/marked for life from such.

12. That, as a direct result of him being placed & left in
hand cuffs, a black box, a steel waist chain and a
by Defendant DR-Clark, from April 24, 2009, to April
Plaintiff does still has no feeling in his left han
right below his wrist to the base of his left thumb
feels dead.

began to cough up blood and had to be taken to the Emergency Room at Holy Spirit Hospital in Camp Hill,

14. That, Plaintiff Joe did this because he could not stand any more in prison then and because he was hearing voices in his head which told him to kill himself.

15. That, on April 24, 2000, a few hours prior to him being placed in steel handcuffs, a black box, a steel chain and a padlock, by Defendant Dr. Clark, Plaintiff again attempted to kill himself, by trying to split his head open by banging it against his cell wall because the voices in his head told him to do so.

16. That, despite Plaintiff Joe's attempts to end his life on April 23 & 24, 2000, and despite a mental health illness relapse back on February 15, and February 16, 2000, where plaintiff Joe rubbed all over his face, hair, arms, hands, chest & legs on his cell wall and told prison staff that he was Jesus Christ and that little green men were running around his cell and trying to run his ass and where he was banging his head off of cell wall then to, Defendant Dr. Clark deliberately wantonly refuse to put Plaintiff Joe back on psych medication and also deliberately & wantonly refused to have Plaintiff Joe committed to a psychiatric facility on a mental health commitment and wantonly and deliberately refuses to treat Plaintiff Joe for his mental health problems.

17. That, Plaintiff Jae still hears voices in his head and still has thoughts about killing himself now from time to time here since April 27, 2000.

18. That, Plaintiff Jae believes that the next time he tries to kill himself, he will do so for certain, as is sick of living.

19. That, Plaintiff Jae wants to get help and treatment for his mental illness disease and has requested such from Defendant Dr. Clark and other prison staff here, but has been denied such help and treatment by Defendant Dr. Clark and prison staff here.

20. That, Defendant DR. Clark is aware of the above but still deliberately & wantonly refuse to put Plaintiff Jae back on any anti-psychotic medication and/or him committed to a psychiatric facility for evaluation and treatment.

21. That, Plaintiff Jae has a long and length past history of mental illness disease and has been taking different kinds of anti-psychotic medications since 1969 when he was nine (9) years old up until

January 12, 1999, when he was taken off all anti-psychotic medications by Defendant DR. Clark here, with the exception of a period of time April, 1986, - May, 1987, when he was on no psychotropic medications at all, and he has not been on any psychotropic medications since January 12, 1999.

V- STATEMENT OF LEGAL CLAIMS

FIRST Cause of Action

22.- That, based upon that stated in Paragraph Nos. 1-20, herein, supra, Plaintiff avers that Defendant DR. Robert Clark, Chief Psychiatrist, has shown wanton and deliberate indifference to this Plaintiff's serious mental health needs and he has thus violated Plaintiff's Rights & the Law under the Eighth Amendment of the United States Constitution & without the defense of the law required by the Fourteenth Amendment of the United States Constitution.

Second Cause of Action

23.- That, based upon that stated in Paragraph Nos. 1-20, herein, supra, Plaintiff avers that Defendant DR. Robert Clark, Chief Psychiatrist, has shown a wanton and deliberate indifference to this Plaintiff's serious mental health needs and he has thus violated Plaintiff's Rights and the Law under Article I, § 13, of the Pennsylvania State Constitution.

Third Cause of Action

24. By failing to treat this Plaintiff for his mental health needs or by failing to have this Plaintiff committed on a mental health commitment, Defendant DR. Robert Clark has violated his Hippocratic oath and has committed a tort of medical malpractice in violation of Pennsylvania State Tort Law.

Fourth Cause of Action

25. By failing to treat and/or have this Plaintiff committed

Dr. Robert Clark, Chief Psychiatrist, has committed the Pennsylvania State Tort of Medical Negligence in Violation of Pennsylvania State Tort Law.

FIFTH CAUSE OF ACTION

26. By failing to treat and/or have this Plaintiff committed on a mental health commitment for his serious mental illness/disease needs, Defendant Dr. Robert Clark, Chief Psychiatrist, has allowed Plaintiff's mental illness/disease to progress to the point where such has caused Plaintiff to act out and receive institutional misconducts for behavior which is a part and product of his serious mental health illness/disease which has increased the amount of time this Plaintiff must spend locked-up in punitive segregation, whereleg he should not be housed in the first place. Since Plaintiff suffers from serious mental health illness/disease

27. That, Defendant Dr. Robert Clark, Chief Psychiatrist either knew or should have known that his acts, actions, conduct & failures, as described herein, supra, would have violated State and Federal Law(s) and Plaintiff's rights thereunder.

28. Plaintiff Joe has suffered and is still suffering and is subjected to imminent danger of serious physical injury because he still now remains at risk of harming and killing himself as a result of his serious mental health illness needs, while he is receiving ^{psychiatric} no treatment for him at all.

29. That, on May 10, 2000, Plaintiff filed an official Inmate Grievance Form on/about that State herein, supra, against Defendant Dr. Robert Clark, Psychiatrist.

30. That, after such had been received by the
Grievance Coordinator here and he had assigned Gri-
No. CAM-0294-00 to such, he referred said Griev-
to Ms. Theresa M. Law, the Corrections Health Care Adminis-
(CHCA) here for investigation, review, an interview
this Plaintiff on her answer/decision, as such.

31. That, in accordance with DC-ADM. #804.
3-§ 84-g of the Pa. Dept. of Corrections, Ms. Law had ten
working days in which to investigate, personally in
this inmate - plaintiff and provide her written deci-
sion on and for such grievance.

32. Party Ms. Law, CHCA, has refused to do so and the tenth working day expired on May 23.

33. Therefore, this Plaintiff "has" tried and IS
exhaust his Administrative Remedies on the
Grievance, due to Ms. Law, CHCA, (Prison Staff's) failure
to follow mandatory Prison Grievance Policy and
decide such Grievance & due to the serious
the issues involved herein this complaint and
of imminent danger of serious physical injury to

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. A Declaratory Judgment that the Acts, Actions, Conduct & Failures of Defendant Dr. Robert Clark, as stated herein, Violated Plaintiff's Right to the Law under the Eighth & Fourteenth Amendments of the U.S. Constitution Article B13 of the Pa. State Constitution & Pa. State Tort Laws of Malpractice & Negligence.
2. Compensatory Damages against defendant Dr. Robert Clark in an amount to be determined at trial.
3. Punitive Damages in an amount to be determined at trial, against defendant Dr. Robert Clark.
4. Exercise Its Pendant Jurisdiction over Plaintiff's State Law Claim
5. All Plaintiff's Court Costs, Filing Fees, U.S. Marshal's Service Fees & Plaintiff's Attorney's Fees and costs (if any).
6. A Trial by Jury on All Issues & Claims, Heretofore.
7. Such Other & Further Relief As This Court Deems Just & Equitable, Herein.

Signed this 26th day of MAY, 2000.

(S) John Richard Doe
(Signature of Plaintiff) and Pro Se Counsel

I declare under penalty of perjury that the foregoing is true and correct, PURSUANT TO 42 U.S.C. § 17

26th MAY 2000
(Date)

(S) John Richard Doe
(Signature of Plaintiff) and Pro Se Counsel

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
P.O. BOX 1148
SCRANTON, PA 18501

June 19, 2000

John Richard Jae
SCI-Camp Hill
#BQ-3219
P.O. Box 200
Camp Hill, PA 17001-0200

Re: 1:00-cv-01090 Jae v. Clark
Judge: Sylvia H. Rambo

Dear Sir/Madam:

Receipt is acknowledged of the document noted at the foot of this letter, subject as captioned above.

The matter has been forwarded to the Court for consideration.

Very truly yours,

MARY E. D'ANDREA, Clerk

By: Jill Pendle
Deputy Clerk

Petition For Writ of Habeas Corpus Complaint

Transfer From Other District Other

NOTE: Please be advised that in order for service to be made a U.S. Marshal Form 285 (form enclosed) must be completed for each named defendant and returned to the Clerk's Office at the above address. Additional forms are available at the prison library or the U.S. Marshal's Office. (This does not apply to Petitions for Writ of Habeas Corpus.)

Enclosed: Notice of Consent regarding Magistrate Referral.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	COURT CASE NUMBER	
MR. JOHN RICHARD JAG,		
DEFENDANT	TYPE OF PROCESS	
DR. ROBERT CLARK, Chief Psychiatrist,		Service
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN	
DR. Robert Clark, Chief Psychiatrist, SCI-Camp Hill		
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)	
Hill, P.O. Box 8837, Camp Hill, PA 17001-8837		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
MR. JOHN RICHARD JAG #B0391 SCI-Camp Hill P.O. Box 8837 CAMP HILL, PA 17001-08837		
<input type="checkbox"/> Number of process to be served with this Form - 285 1		
<input type="checkbox"/> Number of parties to be served in this case 1		
<input type="checkbox"/> Check for service on U.S.A.		

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

— Serve only between the hours of 9:00 A.M. - 5:00 P.M.
 Monday — Friday
 (717) - 737 - 4531

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
(S) John Richard Jag	<input type="checkbox"/> DEFENDANT	N/A	26th May 2000

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. <i>(Sign only first USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
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Address (complete only if different than shown above)	Date of Service	Time
		am pm
	Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: